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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,914	02/04/2004	Gaston Glock	HPBC C-95A	3481
23474	7590	11/22/2005	EXAMINER	
FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631			CHAMBERS, TROY	
		ART UNIT	PAPER NUMBER	
		3641		
DATE MAILED: 11/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/771,914	GLOCK, GASTON
	Examiner Troy Chambers	Art Unit 3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is **FINAL**.                            2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 7-18, 20, 22-26 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 7-18, 20, 22-26 and 29-33 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 27 June 2005 is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \* c)  None of:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 20 and 28 recites "a transmitting antenna connected to the transmitter and an identification device" and "a receiver with a receiving antenna". There appears to be no support for this limitation in the specification. Because claims 20 and 28 have been amended to include this subject matter, the claims are deemed to include new matter.

4. Claims 26 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, claim 26 requires either the name or picture of the authorized user to be displayed on an indicator of the identification unit. However, the specification

does not describe how or in what manner this function is achieved. Merely pushing a function key does not result in the display of a picture or name of user. How does the identification unit know which user is present? Is the data stored somewhere in a processor's memory?

5. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claim 20 requires the providing of a "received signal" upon receipt of a power signal and an activation code. The original specification does not disclose any received signal that is generated as a result of a receipt of the power signal and an activation code. This "received signal" suggests a combination and subsequent monitoring of both the power signal and activation code. However, as discussed above, only the power signal is monitored to keep the weapon in the active state.

6. Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claim 30 recites subject matter directed the avoiding of an interfering signal wherein the strength of the received signal

includes the field strength of the potential interfering signal. There is no such disclosure in either the original specification or drawings.

7. Claims 7-15, 17, 18 and 29-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, independent claims 7 and 29 recite a function in which a processor "monitors" a receiver. Neither the original specification nor drawings disclose a monitoring function performed by a processor.

#### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **The following rejections have been applied as the claims can best be understood in view of the objections/rejections cited above.**

10. Claims 7-11, 13 and 14, 17, 18, 20, 22, 29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 9804880 issued to Reiner (equivalent U.S. Patent 6510642 issued to Reiner will be used in the rejection). Reiner discloses a method of controlling the use of a weapon 4.

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11. With respect to claim 7, Reiner discloses transmitting from an ID unit 19 (unit 19 is a watch that is separate from the weapon as shown in Figs. 1 and 4) a signal that includes an activation code 30 (col. 10, ll. 1-4) or may be un-coded (col. 10, ll. 57-62) and a continuous signal (ultrasonic signal sent by distance meters 37 as discussed in Fig. 2 and col. 11, ll. 33-52); the weapon 4 has a transmission/receiving unit 18 that receives via an aerial 31 the ID code 30 sent by the ID unit 19 via aerial 31 (Fig. 2); the gun 4 receiver 18 upon receipt of the correct ID code 30 places the weapon in the active state (col. 10, line 5 to col. 11, line 3); after the weapon is in the active state the distance meters continue to measure the ultrasonic signals sent to the weapon; if a pre-determined distance is exceeded, the weapon will not activate release element 15 (col. 11, ll. 4-53).

12. With respect to claim 8, refer to col. 10, ll. 5-14.

13. With respect to claims 9 and 10, refer to col. 18, ll. 50-55.

14. With respect to claim 11, refer to col. 27, ll. 30-34, disclosing a sensor in the form of an optical light barrier.

15. With respect to claims 13 and 14, refer to col. 9, ll. 32-37, which disclose the capability of the device to use radio signals.

16. With respect to claim 17, the continuous signal is not disclosed as being coded. In any event, Reiner provides for both coded and uncoded signals (col. 10, ll. 56-62).

17. With respect to claim 18, Reiner discloses that the ID devices are capable of being provided with control information. (Col. 15, ll. 30-34).

18. With respect to claim 20, refer to Fig. 2 and 4 and the rejection of claim 7.

19. With respect to claims 22 and 32, Reiner discloses the use of radio signals (col. 2, ll. 51-56 and col. 9, ll. 32-37).

***Claim Rejections - 35 USC § 103***

20. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

21. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner in view of WO 01/18332 issued to Funfgelder. Reiner discloses a method of controlling the use of a weapon as described above. However, Reiner does not disclose the wristband features of claims 12, 24 and 28. Funfgelder discloses such features. Specifically, Funfgelder discloses a bracelet similar to a watch that has a continuous sensor wire with contact surfaces in the clasp of the band. If the band is cut or the clasp is opened,

then a release previously issued by the sensor is reset. The legitimate owner of the weapon can deactivate it at any time by opening the clasp of the wristband. At the time of the invention, one of ordinary skill in the art would have found it obvious to provide the weapon control system of Reiner with the wristwatch disabling features of Funfgelder. The suggestion/motivation for doing so would have been to allow the user of the firearm to disable the weapon in the event that an unauthorized individual gained access to it in the presence of the user.

22. Claims 15, 25 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner in view of the applicant's admissions in the specification and applicable case law. Reiner discloses the claimed invention as discussed above except for the

limitations requiring infrared (claim 15) and ultrasonic signals (claim 15). The applicant expressly admits that such signals are known in the art ([0004]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device of Reiner with the various signals claimed and admitted by applicant to be prior art since the Examiner takes Office Notice of the equivalence of radio signals, infrared and ultrasonic signals for their use in the firearm security art and the selection of any one of these known equivalents to communicate would be within the level of ordinary skill in the art.

23. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner in view of US 6260300 issued to Klebes. Reiner discloses a security system as discussed above with the exception of the wake up circuit. Klebes discloses such a circuit (col. 3, ll. 61-65). At the time of the invention, one having ordinary skill in the art would find it obvious to provide the security system of Reiner with the wake up circuit of Klebes. The suggestion/motivation for doing so would have been to provide the capability to limit power consumption when the device is not in use.

***Response to Arguments***

24. Applicant's arguments filed 06/27/05 have been fully considered but they are not persuasive.

25. With respect to the rejection of 7-11, 13, 14, 17 and 18, applicant argues that the claimed device prevents interference from a third party while the device of Reiner does not. Applicant then directs the Examiner to a specific passage of Reiner that discusses "alarms" and "unknown identification codes". However, the Reiner device has several

different features including a signal that is “un-coded” (col. 10, lines 57-62), a transponder feature which activates/deactivates the gun based on the strength of a continuously monitored signal (col. 11, lines 33-52) and, a means for thwarting the monitoring or copying of a signal that does include a code (col. 10, ll. 19-56). This is the applicant’s invention: The sending of an initially coded signal followed by the transmission and receipt of an un-coded signal, the activation/deactivation of the weapon depending on whether the strength of the un-coded signal is within a specified range.

26. With respect to the rejection of claims 20 and 22, applicant argues that Reiner does not maintain the weapon in an active state when “an interference signal is received”. Initially, the Examiner would point out that the sending or receipt of an “interference signal” is not positively claimed and, therefore, not required to take place. But, for the sake of argument, if such a limitation is present, the applicant is referred to the Examiner’s responding argument with respect to claim 7 in which it was explained that Reiner discloses the sending of un-coded signals. Hence, an “interfering signal” would have no effect on the operation of the device.

27. With respect to the applicant’s arguments regarding the rejection of claims 12 and 24, the Examiner makes reference to the responsive arguments regarding independent claims 7 and 20.

28. With respect to the applicant’s arguments regarding the rejection of claim 23, the Examiner has provided a secondary reference that discloses a wake-up circuit as

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claimed by the applicant. The motivation for using such a circuit may be the same as that of the applicant's since all wake-up circuits are used for the same purpose.

***Conclusion***

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6873.

Troy Chambers, Examiner

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A handwritten signature in black ink, appearing to read "Troy Chambers".